

**DEFENDANT TECHNICOLOR SA'S REPLY BRIEF IN SUPPORT OF ITS MOTION TO
DISMISS FOR LACK OF PERSONAL JURISDICTION, IMPROPER VENUE, AND
INSUFFICIENT SERVICE OF PROCESS**

EXHIBIT 1

Declaration of Micah Littleton

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC

Plaintiff,

vs.

TECHNICOLOR USA, INC. and
TECHNICOLOR SA,

Defendants.

Case No. 6:12-CV-00572 LED

JURY TRIAL DEMANDED

**DECLARATION OF MICAH LITTLETON IN SUPPORT OF TECHNICOLOR SA'S
REPLY BRIEF IN SUPPORT OF ITS MOTION TO DISMISS FOR LACK OF
PERSONAL JURISDICTION, IMPROPER VENUE, AND INSUFFICIENT SERVICE
OF PROCESS**

I, Micah Littleton, hereby declare as follows:

1. I am over the age of 18 years and I am currently Security Manager for Worldwide Content Securities with Technicolor Entertainment Services. I have personal knowledge of all facts stated herein and all such facts are true and correct.

2. Around 2008, I was a Forensic Analyst and Security Services Manager with Technicolor Creative Services, which is now a division of Technicolor Entertainment Services. In these roles, I am and have been involved in security service offerings for different Technicolor locations and research and development for the same. As such, I would be aware of any video fingerprinting activity in the United States for any Technicolor entity.

3. No Technicolor entity, including Technicolor SA and Technicolor USA, Inc., has ever made, used, sold, or offered to sell any video fingerprinting technology in the United States, or imported any video fingerprinting technology into the United States, other than the limited research and development and demonstrations in California discussed below in paragraph 4, and

the limited demonstrations of video fingerprinting conducted by employees of Technicolor R&D France, as discussed in the declaration of Eric Diehl.

4. Around 2008, a former employee (Aaron Markham) of Technicolor Creative Services, which is a division of Technicolor Entertainment Services, began working on a project to implement video fingerprinting software, such as, for example, products offered by Vobile, Inc. at that time. However, this project was never completed; it was purely a research and development effort. All of this research and development occurred in California. And nothing about this project was related in any way to Technicolor SA or Technicolor USA, Inc.

5. The Security and Content Division of Technicolor R&D France has also been involved in research and development efforts relating to video fingerprinting technology including, for example, those shown in Exhibit 5 to Blue Spike's December 13, 2012 brief (*see* ECF No. 16-5). However, other than the demonstrations conducted by Technicolor R&D France employees (as explained in the declaration of Eric Diehl), no product or service relating to that research and development work has ever been made, used, sold, or offered for sale in the United States, or imported into the United States. All of that research and development occurred in Europe.

6. Exhibit 1 attached to Plaintiff Blue Spike's December 13, 2012 brief (*see* ECF No. 16-1) is a screenshot from the website www.technicolor.com. The statement that is quoted by Blue Spike, that "Technicolor" "lead[s] the market in delivering advanced video services to content creators and distributors" does not in any way identify any type of video fingerprinting technology of any Technicolor entity, including Technicolor SA and Technicolor USA, Inc.

7. Exhibit 2 attached to Plaintiff Blue Spike's December 13, 2012 brief (*see* ECF No. 16-2) is a screenshot from the website www.technicolor.com. The following passage is quoted by Blue Spike from this webpage:

Serving motion picture, television, and other media clients, the company is a leading provider of high-end visual effects, animation, and postproduction services. In support of network service providers and broadcasters globally, Technicolor ranks among the worlds' leading suppliers of digital content delivery services and home access devices, including set-top boxes and gateways. The company also remains a large physical media service provider, being one of the world's largest film processors and independent manufacturers and distributors of DVDs and Blu-ray discs.

This statement does not identify any type of video fingerprinting technology of any Technicolor entity, including Technicolor SA and Technicolor USA, Inc.

8. Exhibit 3 attached to Plaintiff Blue Spike's December 13, 2012 brief (*see* ECF No. 16-3) is a screenshot from the website www.technicolor.com. The following passage is quoted by Blue Spike from this webpage:

We are proud to number amongst our clients the home entertainment divisions of major Hollywood studios and leading game publishers. Our clients are shipping yearly millions of products to some 10,000 retail locations in North America including major chains.

This statement does not identify any type of video fingerprinting technology of any Technicolor entity, including Technicolor SA or Technicolor USA, Inc.

9. Exhibit 4 attached to Plaintiff Blue Spike's December 13, 2012 brief (*see* ECF No. 16-4) is a screenshot from the website www.technicolor.com. This screenshot shows that a person in France can be reached by mail, phone, or e-mail with regard to "Security and Content" products. This webpage, however, does not identify any type of video fingerprinting technology of Technicolor SA or Technicolor USA, Inc. Rather, this page simply allows a visitor to contact a person in France to obtain information about a product. No visitor of the website

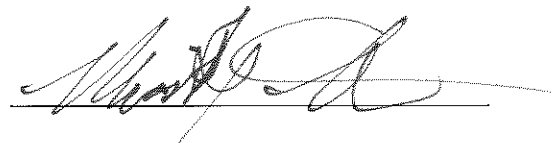
www.technicolor.com can purchase any products or services through the website. Additionally, no visitor of the website can purchase any of the products or services referenced in Exhibit 5 of Blue Spike's December 13, 2012 brief (*see* ECF No. 16-5), because those products were never advanced out of research and development.

10. I have reviewed the You Tube video at web address <http://bit.ly/VrJ0Tp>, which was cited in Blue Spike's brief (ECF No. 14 at p. 2 and p. 7, note 2). Nothing in this video refers to Technicolor SA or Technicolor USA, Inc. or any product or service of Technicolor SA or Technicolor USA, Inc.

11. Exhibit 7 attached to Plaintiff Blue Spike's December 13, 2012 brief (*see* ECF No. 16-7) appears to be an online article dated September 22, 2008 alleging that Vobile and a "Technicolor" entity entered into a partnership wherein the "Technicolor" entity would integrate Vobile's "VDNA fingerprinting technology" into its post-production workflows. This article, however, does not identify or refer to Technicolor SA or Technicolor USA, Inc. Despite what this article provides from former Technicolor Creative Services employee Aaron Markham, as mentioned above, the only fingerprinting work in which employees of Technicolor Creative Services engaged was the research and development work discussed above.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: 3/15/13


By: Micah Littleton
Title: Security Manager